IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

RFA.No. 479 of 2005()

OS.345/1993 of MUNSIFF COURT, MAVELIKKARA
.....

: APPELLANT/DEFENDANT NO.2:

A.S. VAIDHYANATHAN, S/O. A.P.SUBRAMANIAN
AG-I, NAVEEN'S DAFFODILS, VARGHESE AVENUE,
DORAISWAMY ROAD, ASHOK NAGAR, CHENNI.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: PLAINTIFF AND DEFENDANTS 1 AND 3 TO 6:
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1. R. VASU, S/O. RAMAN,
PROPRIETOR, S.N. THEATRE, DENAPPADI, HARIPAD.

2. M/S. SREE RAM PICTURES,
NATIONAL LODGE, PALGHAT (PALAKKAD) (A PARTNERSHIP FIRM).

3. A. ASWARAM (CHARTERED CINE CREATION),
MANAGING PARTNER OF SREE RAM PICTURES, 18/290,
D.P.O. ROAD, WEST YAKKARA, PALAKKAD-1.

4. GOPALAN,
RAJALAKSHMI STORES, MARKET ROAD, PALAKKAD-1.

5. VARATHARAJAN,
DWARAKA, HARIKKARA STREET, PALAKKAD-1.

6. VARATHARAJAN @ RAVI,
HAPPY HOME, OPP. DWARAKA, HARIKKARA STREET,
PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 01/12/2006, ALONG WITH AS NO. 393 OF 2002 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M. RAMACHANDRAN & A.K. BASHEER, JJ.

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R.F.A.NO.479/2005 & A.S.NO.393/2002

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DATED THIS THE 1ST DAY OF DECEMBER, 2006.

JUDGMENT

Basheer, J.

These appeals which are at the instance of defendant Nos. 2 and 6 respectively, are directed against the decree and judgment in O.S.No.345/1993 on the file of the Subordinate Judge's Court, Mavelikkara. The court below decreed the suit directing the defendants to pay a sum of Rs.1,77,000/- with interest at the rate of 18% per annum from June 29, 1991 till the date of realisation.

2. In view of the intervening developments, we do not deem it necessary to refer to the rival contentions raised by the parties. It is submitted by learned counsel for the appellants and respondent No.1 that the matter has been settled between the parties out of court. Defendant No.2 has paid off the entire liability to the plaintiff and the parties have no objection in recording full satisfaction. A compromise petition signed by appellant/defendant No.2 and respondent No.1/plaintiff and their respective counsel has been filed in R.F.A.No.479/2005 stating that Rs.5,00,000/- (Rupees Five Lakhs only) has been received by the plaintiff from appellant/defendant No.2 in full and final settlement of the suit claim.

The above submissions are recorded. The appeals are disposed of in the above terms. The compromise petition (I.A.No.4420/2006) shall form part of the

decree.

The appellant in A.S.No.393/2002 shall be entitled to get refund of half court fee paid on the memorandum of appeal.

(M.Ramachandran, Judge.)

(A.K. Basheer, Judge.)

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